

Al Rajhi Bank

Ex. 46

December 17, 2021

VIA E-MAIL

William N. Clark, Jr.
Cozen O'Connor
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, PA 19103

White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005-3807
T +1 202 626 3600

whitecase.com

In re Terrorist Attacks on September 11, 2001, Case No. 1:03-md-1570-GBD-SN (S.D.N.Y.)

Dear William:

We write in response to your December 16, 2021 e-mail requesting for the first time that we memorialize Al Rajhi Bank's proposals for a discovery program in response to Plaintiffs' Requests for Production ("RFPs") as directed by the Court in its November 22, 2021 Order, ECF No. 7378 ("the Order").

We have held two meet-and-confer calls with Plaintiffs' counsel, on December 6, 2021 and December 13, 2021, during which we discussed in detail Al Rajhi Bank's proposals for a program of discovery on each of the RFPs that the Court granted in its November 22 Order. On the December 6 call we discussed the Bank's proposals for the vast majority of the RFPs — namely RFPs 1-3, 8-22, 33-34, 42-44, and 47-55. At the end of the December 6 call, Plaintiffs agreed to consider the Bank's proposals. Plaintiffs also asked the Bank to provide Plaintiffs with further information about certain categories of documents and potentially available ESI, which the Bank agreed to do.

On the December 13 call, we provided responses to Plaintiffs' questions as well as the Bank's proposals for RFPs 4-5, 28, and 56-58. At the end of the call, Plaintiffs stated that they would consider and respond to the Bank's proposals. We are still waiting for Plaintiffs' responses to the Bank's proposals, most of which we presented to you on December 6. We will need to review Plaintiffs' responses before signing off on the joint letter due to the Court on December 20, 2021.

As discussed with Plaintiffs in detail on December 6 and December 13, the Bank's proposals are as follows:

RFP Nos. 1-3, 8-22, 34: The Bank will search for statements of account and KYC files to the extent the specifically identified individuals or entities had accounts at Al Rajhi Bank during the period January 1, 1998 through December 31, 2002. The Bank will search for statements of account and KYC files for individuals or entities specifically identified by name in the relevant RFPs.

William N. Clark, Jr.
December 17, 2021

With respect to Plaintiffs' follow-up questions regarding the availability of ESI corresponding to the types of documents enumerated in RFP 1, the Bank indicated that the vast majority of those documents from the January 1998 to December 2002 period are not kept in electronic formats or are not in readily searchable electronic formats. The Bank also indicated that for some transactions there may be additional accessible electronic information beyond the information on the statements of accounts, but that information is not necessarily available for all transactions within the relevant period. The Bank can search for such information related to specifically identified transactions. Finally, the Bank indicated that credit files are available in electronic format and that it is willing to search those files for the individuals and entities specifically identified by name in the respective RFPs.

RFP No. 4:

- **Donations by Al Rajhi Bank:** The Bank will search for donations made by Al Rajhi Bank, if any, to the International Islamic Relief Organization ("IIRO"), Al Haramain Islamic Foundation, or Muwafaq Foundation (a/k/a Blessed Relief Foundation) that are identifiable in (1) the Bank's zakat reports, and (2) the Bank's general ledger (GL) expense account for donations.
- **Donations by Suleiman al Rajhi:** The Bank will search for donations made by Suleiman al Rajhi on behalf of the Bank, if any, to IIRO, Al Haramain Islamic Foundation, or Muwafaq Foundation (a/k/a Blessed Relief Foundation) that are identifiable in any Al Rajhi Bank account of Suleiman Al Rajhi.
- **Donations by Saleh al Rajhi:** The Bank will search for donations made by Saleh al Rajhi on behalf of the Bank, if any, to the IIRO, Al Haramain Islamic Foundation, or Muwafaq Foundation (a/k/a Blessed Relief Foundation) that are identifiable in any Al Rajhi Bank account of Saleh Al Rajhi.
- **Donations by Abdul Rahman al Rajhi:** It is our current understanding that this individual never had a position with the Bank, but instead appears to have headed a completely separate financial company with a similar name to Al Rajhi Bank. Therefore, the Bank will not search for documents regarding any alleged donations by this individual to IIRO, Al Haramain Islamic Foundation, or Muwafaq Foundation (a/k/a Blessed Relief Foundation).
- **Donations by Suleiman Abdel Aziz al Rajhi Foundation:** The Court denied Plaintiffs' requests with respect to the "SAAR Network." *See* Order at 15-16. The Court stated in particular that "the complaint does not allege ties between ARB and the SAAR Network." *Id.* at 15. Therefore, the Bank will not search for documents regarding any alleged donations by the Suleiman Abdel Aziz al Rajhi Foundation to IIRO, Al Haramain Islamic Foundation, or Muwafaq Foundation (a/k/a Blessed Relief Foundation).
- **Donations by Members of the Al Rajhi family:** The Bank will not search for records of donations purportedly made by individuals who are not specifically identified by name in the RFP. Though not expressly requested, the Bank will search for donations on behalf of

William N. Clark, Jr.
December 17, 2021

the Bank, if any, to IIRO, Al Haramain Islamic Foundation, or Muwafaq Foundation (a/k/a Blessed Relief Foundation) that are identifiable in any Al Rajhi Bank account of Abdullah Al Rajhi, the current chairman of the Bank.

RFP No. 5:

- **Suleiman Al Rajhi's alleged relationship with the IIRO and Sanabel al Kheer:** The Bank will search for any disclosures made by Suleiman al Rajhi to the Bank about Suleiman Al Rajhi's alleged role with IIRO during the relevant period. The Bank will search Board of Directors minutes and related appointment records, HR records, and files in the Bank's possession that were held by Suleiman Al Rajhi in his capacity as chairman of the Bank.
- **Abdul Aziz al Khereiji's alleged relationship with the Muwafaq Foundation:** It is our current understanding that this individual never held a position with the Bank. Accordingly, the Bank will not search for documents regarding his alleged relationship with the Muwafaq Foundation.
- **Abdullah al Misfer's relationship with the Al Haramain Islamic Foundation:** It is our current understanding that this individual never held a position with the Bank. Accordingly, the Bank will not search for documents regarding his alleged relationship with the Al Haramain Islamic Foundation.
- **Saleh Al Hussayen:** It is our current understanding that Saleh Al Hussayen served on the Bank's Sharia Board until 1999, and was not a Bank employee; the Sharia Board was an advisory board and its members did not receive compensation. The Bank will search the Sharia Board's records for any disclosures made by this individual to the Bank about his alleged role with IIRO, Al Haramain Islamic Foundation, or Muwafaq Foundation (a/k/a Blessed Relief Foundation) while he was on the Bank's Sharia Board.
- **Saleh Al Rajhi and Abdullah Al Rajhi:** The Bank will search for any disclosures made by these officials to the Bank about Saleh al Rajhi's or Abdullah al Rajhi's alleged role with IIRO, Al Haramain Islamic Foundation, or Muwafaq Foundation (a/k/a Blessed Relief Foundation) during the relevant period. The Bank will search Board of Directors minutes and related appointment records, as well as HR records.

RFP No. 28: The Bank will search Board of Directors minutes and files in the Bank's possession that were held by Suleiman Al Rajhi in his capacity as chairman of the Bank.

RFP No. 33: The Bank will search for the specified document production to the U.S. Government.

RFP No. 42-44: The Bank will search Sharia Board records, as well as employment and separation data. As indicated above, it is our current understanding that Saleh Al Hussayen served on the Bank's Sharia Board until 1999, and was not a Bank employee.

William N. Clark, Jr.
December 17, 2021

RFP Nos. 47-54: The Bank has already agreed to search documents responsive to these requests. It will apply the relevant period set by the Court.

RFP No. 55: The Bank will search Board of Directors minutes and General Assembly minutes.

RFP Nos. 56-58: The Bank will search the files of its Internal Audit department. The Bank will also search Board of Directors minutes as well as records of the Board's Audit Committee.

Close of Fact Discovery. The Bank proposes that the close of fact discovery be set for March 31, 2022.

* * *

We look forward to receiving Plaintiffs' response to these proposals and we remain available for a further meet and confer.

Sincerely,



Christopher M. Curran
Nicole Erb
Matthew S. Leddicotte
Reuben J. Sequeira

Counsel for Al Rajhi Bank

cc: Sean Carter
J. Scott Tarbutton
Abby J. Sher
Robert Sheps
James L. Bernard
Patrick N. Petrocelli
Christopher R. LoPalo